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Before the  
Federal Communications Commission  
Washington, D.C.

In the Matter of )  
Implementation of Section 255 of the )  
Telecommunications Act of 1996 )  
Access to Telecommunications Services, )  
Telecommunications Equipment, and )  
Customer Premises Equipment )  
By Persons with Disabilities )

WT Docket No. 96-198

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Comments of the  
Northern Virginia Resource Center for Deaf and Hard of Hearing Persons

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List A B C D E

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**Introduction**

The Northern Virginia Resource Center for Deaf and Hard of Hearing Persons (NVRC), submits these comments to the Federal Communications Commission on its Notice of Inquiry on Access to Telecommunications Services, Telecommunications Equipment, and Customer Premises Equipment by Persons with Disabilities (released September 19, 1996). NVRC is a nonprofit organization serving the metropolitan area of Northern Virginia, which is home to more than 160,000 deaf and hard of hearing residents. NVRC's mission is to serve as a catalyst in the empowerment of persons who are deaf and hard of hearing.

Access to telecommunications equipment and services is of great concern to deaf and hard of hearing persons. As telecommunications becomes a lifeline to the world and an important source of information, it becomes more and more crucial that deaf and hard of hearing people have equal access to telecommunications equipment and services. While the rapid advances in technology make it difficult to predict what form the equipment and services of the future will take, we must learn the lessons of history. The pattern in the past has been for equipment and services to be designed without consideration for the needs of deaf and hard of hearing people, and often in such a way that such technology creates new problems. Examples include cellular telephones that are not just incompatible with hearing aids but also can interfere with them, or voice mail systems that are not only

incompatible with TTYs but also make it impossible for a TTY user to effectively use them through telecommunications relay services.

NVRC thanks the Federal Communications Commission for the opportunity to comment on an issue so important to the community. We support the comments submitted by the National Association of the Deaf, Consortium for Citizens with Disabilities, and Consumer Action Network, and hope that they are given the consideration they so richly deserve.

**12. Apportioning responsibility when several parties are involved in the design and manufacture of a single piece of equipment, and application of Section 255 to secondary manufacturers or resellers:**

The involvement of several companies in the design and manufacture of a single piece of equipment should be irrelevant; all companies involved should remain responsible for accessibility.

**16. Factors to consider in applying the definition of “readily achievable”.**

As new technology is developed and becomes “readily achievable”, service providers and manufacturers should be expected to adjust and make use of this technology. Access and usability must continue to be improved in order for people who are deaf and hard of hearing to take full advantage of the technology.

**22. Must a manufacturer or service provider ensure that its equipment and services are accessible to people with various types of disabilities?**

NVRC supports the concept of universal design, where the needs of all people are given consideration. Incorporating the principles of universal design will make it possible to accommodate a wide range of disabilities. Many individuals have more than one disability. Manufacturers should be required to ensure such accessibility if it is “readily achievable”. Every benefits from universal design, including people who have temporary disabilities.

Where a product or service cannot be made accessible and usable by all persons, or is not “readily achievable”, at the very least, the manufacturer or service provider should ensure that the product or service is compatible with existing equipment or services.

**23. The extent that accessible telecommunications services, equipment and CPE are currently available.**

Deaf and hard of hearing people have repeatedly told us of their difficulties with services and equipment that are not accessible. Some examples are:

- Telecommunications relay services that are not fully accessible. Some can not be used effectively by those with computer TTY software. There is no way to break into the conversation with an "interrupt" feature.
- Voice mail that is not usable by TTY users and cannot be used effectively through relay services because by the time the communications assistant has typed what is being said, it is too late to touch the appropriate key.
- Cellular telephones that are incompatible with hearing aids and may cause interference.
- Cellular telephone networks that are not designed to work with TTYs.
- Computer services, including Internet and World Wide Web sites that do not have visual information to accompany and match the auditory information.
- Pay telephones which do not allow TTY users to access a choice of calling card.
- Pagers which do not have a direct TTY answering service, forcing the use of relay services to access them.

**33. Resolving complaints under Section 255: should requirements be adopted?**

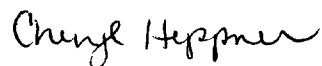
We strongly recommend that the FCC promulgate rules to implement and enforce the provisions of Section 255. Our experience has shown that guidelines and policy statements are viewed as "suggestions" and not taken seriously. Rules help make it clear to all parties what is expected, lessening potential confusion and misunderstandings. If the rules have flexibility built in, they will be able to change to meet the opportunities and demands of new technology.

We particularly support a requirement for outreach procedures. The industry cannot meet the accessibility needs of consumers who are deaf and hard of hearing unless it consults with them at all stages: design, manufacture, use, and upgrade. We support the Consumer Action Network's recommendation for some type of "disability impact analysis" in order to ensure accessibility.

These rules should allow trade associations to undertake outreach procedures or accessibility assessments on behalf of individual service providers. There should also be no rules which exempt small businesses or any other entities, since the "readily achievable" standard already offers flexibility.

We thank the Federal Communications Commission for this opportunity to comment, and hope that you will work expeditiously to promulgate rules for enforcement of the Telecommunications Act of 1996.

Respectfully submitted,

A handwritten signature in cursive script, reading "Cheryl Heppner".

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